

REMARKS

Applicant notes the Allowance of claims 4-8 with appreciation. Claims 1-8 remain in the application. Claims 9 - 13 are new.

Applicant amends the specification to update the claim of priority. In particular, parent Application No. 09/809,990, filed March 16, 2001, issued January 21, 2003 as Patent No. 6,508,991 B2.

Claims 1 through 3 stand rejected under 35 U.S.C. § 102(b) as being fully met by Gray (U.S. Patent 5,545,379). According to the Examiner:

Gray discloses an electrical conductor (Figs 1-5) for generating a corona discharge (Col 1, lines 6-11). Specifically, Gray discloses an electrical conductor (10) comprising a plurality of bare wires (28) juxtaposed in a first curvilinear row (i.e. helically) and coiled equal-distantly about a curvilinear centerline forming a curvilinear helix (Col 3, lines 29-32) and a conductor (16) which is insulated with insulation (18), is positioned along the curvilinear centerline and disposed with the bare wires (28, Fig 1). (Emphasis added).

As the Examiner is well aware, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987), *cited in*, M.P.E.P. § 2131. "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989). In addition, the elements must be arranged as required by the claim. M.P.E.P. § 2131, *citing*, In re Bond, 15 U.S.P.Q. 2d 1566 (Fed. Cir. 1990). Thus, if any feature taught by the claimed invention

is not taught by the reference cited by the Examiner, then the claimed invention and the reference are patentably distinct. In such a case, a 35 USC § 102 rejection is improper.

The foregoing conclusion of the Examiner is in error. Gray discloses a corona discharge system comprising a conductive central wire (16), an insulating dielectric layer (18) around the central wire, and spirally wrapped strands of wire (28). Col. 2, lines 51-59; and Figure 1. “[A]djacent strands of wire are spaced apart from each other by an optimum distance so as to optimize the efficiency with which the corona discharge is generated by the system.” Col. 3, lines 34-36.

Since the apparatus of Gray is a corona discharge system, it is important to space apart the strands of wire so that a corona discharge is efficiently generated within and around interstices formed by the strands of wire. Col. 3, lines 37-47. See also Abstract.

In contrast, the present invention is a conductor that is configured to nearly cancel its own electromagnetic field and consequently, abate creation of random electromagnetic interference in electrical systems which otherwise could cause false signals to be sent to computers and electronics. To accomplish this objective, Applicant juxtaposed the plurality of bare wires. That is, they are positioned side by side.

Nowhere does Gray teach this limitation. In fact, Gray teaches away from this feature by requiring that the wires be spaced in order to facilitate the introduction of oxygen-rich gas to the interstices of the stands of wire, and to facilitate the drawing of ozone away from the corona discharge unit. Col. 3, lines 42-47. As such, Gray fails to teach each and every element of the claimed invention as required under 35 U.S.C. § 102(b). Thus the rejection is now believed to be overcome and reconsideration of the same is requested herein.

Although a rejection under 35 U.S.C. § 103 was not raised by the Examiner, it is believed that such a rejection, if made, would be improper. As previously stated, Gray requires that the wires be spaced, while the Applicant's claimed invention requires that the wires are to be juxtaposed. Further, there is no motivation to modify Gray's invention to that of the Applicant since juxtapositioning the wires in Gray would reduce the amount of ozone being created and, hence, impede the stated purpose of Gray.

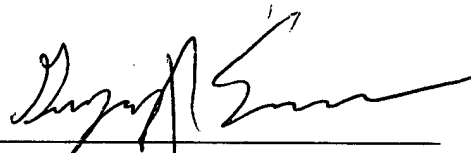
Claims 4 through 8 have been indicated as allowable if rewritten to include the limitations of the base claim and any intervening claims. Claim 5 has been rewritten in independent form, and is believed in condition for allowance. Claims 6 - 8 depend from claim 5, and thus should be equally allowable therewith.

The remaining references that were cited but not applied have been thoroughly reviewed, but clearly are no more pertinent to the claims than the references cited in the rejection.

Since the amendment to the claims does not add more claims than previously paid for, no additional fee is required.

In view of the foregoing amendment and these remarks, this application is now believed to be in condition for allowance and such favorable action is respectfully requested on behalf of Applicant.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gregory R. Everman', written over a horizontal line.

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